

APPENDIX 1

Santacruz Declaration

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

ANNE FLACCUS on behalf of herself and
all other similarly situated,

Case No. 17-4808

CLASS ACTION

Plaintiff,

vs.

ADVANCED DISPOSAL SERVICES
EASTERN PA, INC., ADVANCED
DISPOSAL SERVICES SOUTH, LLC

**DECLARATION OF VANESSA
SANTACRUZ RE: NOTICE
PROCEDURES**

Defendant.

1
2 I, Vanessa Santacruz, declare and state as follows:
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4 1. I am a Case Coordinator with KCC Class Action Services, LLC ("KCC"), located
5 at 222 Pacific Coast Highway, El Segundo, CA 90245. Pursuant to the Order Granting Preliminary
6 Approval, Appointing Class Representative and Counsel (the "Preliminary Approval Order," ECF
7 Doc. No. 81-5) dated February 21, 2023, the Court appointed KCC as the Settlement Administrator
8 in connection with the proposed Settlement of the above-captioned Action.¹ I have personal
9 knowledge of the matters stated herein and, if called upon, could and would testify thereto.
10

CLASS LIST

11 2. On March 17, 2023, KCC received from Burr Forman LLP a list of 12,229 persons
12 identified as the Class List. The Class List included names, addresses, and the sum of total fees.
13 KCC formatted the list for mailing purposes, reviewed for duplicate records, and processed the
14 names and addresses through the National Change of Address Database ("NCOA") to update any
15 addresses on file with the United States Postal Service ("USPS"). A total of 646 addresses were
16 found and updated via NCOA. KCC updated its proprietary database with the Class List.
17

MAILING OF THE NOTICE PACKET

18 3. On March 31, 2023, KCC caused the postcard Notice to be printed and mailed to
19 the 12,229 names and mailing addresses in the Class List. A true and correct copy of the Notice is
20 attached hereto as Exhibit A.
21

22 4. Since mailing the Notice to the Class Members, KCC has received 30 Notices
23 returned by the USPS with forwarding addresses. KCC immediately caused Notices to be re-mailed
24 to the forwarding addresses supplied by the USPS.
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26 5. Since mailing the Notice to the Class Members, KCC has received 1,161 Notices
27 returned by the USPS with undeliverable addresses. Through credit bureau and/or other public
28 source databases, KCC performed address searches for these undeliverable Notices and was able
to find updated addresses for 188 Class Members. KCC promptly re-mailed Notices to the found
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¹ All capitalized terms not otherwise defined herein shall have the meanings ascribed to them in the Settlement Agreement dated February 8, 2023 and/or the Preliminary Approval Order.

1 new addresses.

2 **THE SETTLEMENT WEBSITE**

3 6. On March 31, 2023, KCC caused the settlement website
4 (www.pafeesettlement.com) to go live in accordance with the Preliminary Approval Order.

5 I declare under penalty of perjury under the laws of the United States of America that the
6 foregoing is true and correct.

7 Executed on April 27, 2023, at El Segundo, California

8 *Vanessa Santacruz*
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Vanessa Santacruz

EXHIBIT A



LEGAL NOTICE

If you are or were a commercial customer of Advanced Disposal from October 1, 2012 to September 12, 2018 and paid them a fuel surcharge, an environmental fee, or an administrative fee, you may qualify for a payment from a class action settlement.

www.PAFeeSettlement.com

1-888-845-4032

«3of9 Barcode»

«BARCODE»

Postal Service: Please do not mark barcode

ADFL «Claim Number»

«FIRST1» «LAST1»

«ADDRESS LINE 2»

«ADDRESS LINE 1»

«CITY», «STATE»«PROVINCE» «POSTALCODE»

«COUNTRY»

ADFL

A Settlement has been reached with Advanced Disposal Services, Inc. f/k/a ADS Waste Holdings, Inc., Advanced Disposal Services Eastern PA, Inc. f/k/a Advanced Disposal Services Shippensburg, LLC and Advanced Disposal Services South, LLC f/k/a Advanced Disposal Services, Inc. (“Advanced Disposal”) in a class action lawsuit about whether it improperly collected fuel surcharges, environmental fees, and administrative fees from commercial customers in Pennsylvania.

Who's included? You are included in the Settlement if you were an Advanced Disposal commercial customer in Pennsylvania who paid a fuel surcharge, an environmental fee, or an administrative fee to Advanced Disposal from October 1, 2012 to September 12, 2018 (“Settlement Class Members”).

What does the Settlement provide? Advanced Disposal will pay \$2,200,000 to resolve the Settlement. After deducting a maximum of \$733,333 attorneys' fees and up to \$25,000 expenses, the costs of notice and administration (which shall not exceed \$100,000), and an incentive award of up to \$15,000 to the Class Representative, the balance will be distributed to Settlement Class Members on a *pro rata* basis, unless a Settlement Class Member was previously credited the full amount of fees it paid to ADS during the Class Period. Defendants will also ensure that debts owed to them by Settlement Class Members for services rendered during the Class Period in Pennsylvania are eliminated.

How do you get a payment? You do not have to do anything to receive a payment. Payments will be mailed to eligible Settlement Class Members after the Settlement is approved and becomes final.

Your other options. If you do nothing, you will receive a *pro rata* payment and release all claims covered by the Settlement. If you don't want to be legally bound by the Settlement, you must exclude yourself from it by **July 20, 2023**. Unless you exclude yourself, you won't be able to sue or continue to sue Advanced Disposal or related parties for any claim made in this lawsuit or released by the Settlement Agreement. If you stay in the Settlement (i.e., don't exclude yourself), you may object to it and ask for permission for you or your lawyer to appear and speak at the hearing—at your own cost—but you don't have to. Objections are due by **July 20, 2023**.

The Court's Hearing. The Court will hold a Final Approval Hearing in this case (*Flaccus v. Advanced Disposal Services, Inc.*, No. 2:17-cv-04808-MAK) on August 30, 2023 to consider whether to approve: the Settlement; a request for attorneys' fees and expenses; and an incentive award for the Class Representative.

Want more information? Visit www.PAFeeSettlement.com, call 1-888-845-4032, or write to *Flaccus v. Advanced Disposal Services* Settlement Administrator, P.O. Box 6188, Novato, CA 94948-6188.